



30 MAR 2009

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In re Application of : DECISION ON
GOLLER, et al. :
Serial No.: 10/578,233 :
PCT No.: PCT/US04/36477 : RENEWED PETITION
Int. Filing Date: 03 November 2004 :
Priority Date: 03 November 2003 : UNDER 37 CFR 1.47(a)
Atty Docket No.: TEVBNP 3.3-167 :
For: SOFT STEROID COMPOSITIONS FOR :
USE IN DRY POWDER INHALERS :
:

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(a)" filed 30 January 2009 to accept the application without the signature of inventor Ramesh Yanamandra.

BACKGROUND

On 13 June 2007, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Qi Li, Katherine Salas, Anayo Michael Ukeje and Ramesh Yanamandra. On 30 August 2007, a decision was mailed dismissing the petition and indicating that Petitioner had failed to provide factual proof that the nonsigning joint inventors refused to execute the application or could not be reached after diligent effort.

On 04 March 2008, Petitioner filed a renewed petition. On 02 May 2008, a decision was mailed dismissing the petition as moot with regard to previous non-signing inventors Qi Li, Katherine Salas and Anayo Michael Ukeje and dismissing the petition without prejudice with regard to inventor Ramesh Yanamandra.

On 05 May 2008, applicant filed a renewed petition, which was dismissed by a decision mailed 03 July 2008 indicating applicant had failed to provide complete declarations of the joint inventors.

On 08 September 2008, applicant filed a renewed petition under 37 CFR 1.47(a) along with a declaration. However, the declaration was not acceptable as it was not signed by inventor Mohammed Nurul Momin. A decision on the renewed petition was mailed indicating that such declaration, in compliance with 37 CFR 1.497(a) and (b) was necessary. On 30 January 2009, a renewed petition was filed along with an executed declaration.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Items (1), (2) and (3).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant has now submitted a declaration signed by the joint inventors on behalf of themselves and the nonsigning joint inventor. The declaration, submitted on 30 January 2009, as executed by the joint inventors, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 30 January 2009. The application has an international filing date of 03 November 2004 under 35 U.S.C. 363, and a date of 30 January 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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30 MAR 2009

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DECISION ON SUPPLEMENTAL
RENEWED PETITION
UNDER 37 CFR 1.47(a)

Dear Mr. Yanamandra:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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